

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

AUG - 6 2008

William B. Guthrie
Clerk, U.S. District Court

By _____ Deputy Clerk

HARRELL L. JOHNSON,

Plaintiff,

v.

JOHNNY CANNON,

Defendant.

No. CIV 07-294-RAW-SPS

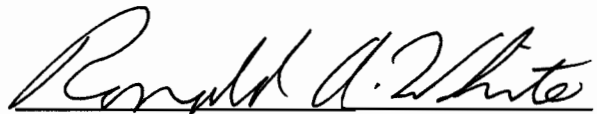
OPINION AND ORDER
DENYING SECOND MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff, an inmate who is incarcerated in the Jackson County Detention Center in Kansas City, Missouri, has filed a second motion requesting the court to appoint counsel [Docket No. 20]. He complains he has only limited time in the law library, and he does not have access to this court's rules and procedures.

Plaintiff still bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). After reviewing the nature and complexity of plaintiff's claims, and his ability to investigate and present his case, the court finds appointment of counsel still is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). Furthermore, the docket sheet for this case indicates the Court Clerk sent plaintiff a copy of this court's Local Civil Rules on June 17, 2008.

ACCORDINGLY, plaintiff's motion for appointment of counsel [Docket #20] is
DENIED.

IT IS SO ORDERED this 6th day of August 2008.

A handwritten signature in cursive script, reading "Ronald A. White", written over a horizontal line.

RONALD A. WHITE

UNITED STATES DISTRICT JUDGE